

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

L.I.S.T., INC., On Behalf of Itself and All Others  
Similarly Situated,

Plaintiff,

Case No. 7:05-CV-02189 (CM)

VS.

VEECO INSTRUMENTS, INC., EDWARD H.  
BRAUN and JOHN F. REIN, JR.,

Defendants.

ROY P. KERSHAL, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

Case No. 7:05-CV-02929 (CM)

VS.

VEECO INSTRUMENTS, INC., EDWARD H.  
BRAUN and JOHN F. REIN, JR.,

Defendants.

**NOTICE OF FILING OF THE STEELWORKERS PENSION TRUST'S REPLY  
MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR  
APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING  
MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND  
(THE DECATUR PLAN) AND REPLY DECLARATION IN SUPPORT THEREOF**

Please take notice that the undersigned has filed on behalf of lead plaintiff movant, the Steelworkers Pension Trust (“Steelworkers”), the Steelworkers Pension Trust’s Reply Memorandum Of Law In Further Support Of Its Motion For Appointment As Lead Plaintiff And In Opposition To The Competing Motions Filed By Ratan LalChandani And Neca-IBEW Pension Fund (The Decatur Plan) (“Reply Memorandum”), and the Declaration Of Peter E. Seidman In Support Of Reply Memorandum Of Law In Further Support Of Steelworkers Pension Trust Motion For Appointment As Lead Plaintiff And In Opposition To The Competing Motions Filed By Ratan LalChandani And Neca-IBEW Pension Fund (The Decatur Plan) (“Reply Declaration”) in the United States District Court for the Eastern District of New York. A copy of each of the Reply Memorandum and the Reply Declaration is attached hereto as Exhibit A and B, respectively. This Notice of Filing incorporates the Reply Memorandum and Reply Declaration by reference as if filed in this District.

DATED: May 12, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD &  
SCHULMAN LLP**

By:           /s/ Peter E. Seidman            
Steven G. Schulman (SS-2561)  
Peter E. Seidman (PS-8769)  
Sharon M. Lee (SL-5612)  
One Pennsylvania Plaza - 49th Floor  
New York, NY 10119  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229

**Proposed Liaison Counsel**

**BERGER & MONTAGUE, P.C.**

Sherrie R. Savett

Doug Risen

Phyllis M. Parker

1622 Locust Street

Philadelphia, PA 19103

(215) 875-3000

(215) 875-4604 (Fax)

**Proposed Lead Counsel**

**CERTIFICATE OF SERVICE**

I, Sharon M. Lee, an associate with the law firm Milberg Weiss Bershad & Schulman LLP, hereby certify that I caused a true and correct copy of the following to be served by regular U.S. Mail to all parties listed on the attached service list on this 12<sup>th</sup> day of May 2005.

1. NOTICE OF FILING OF THE STEELWORKERS PENSION TRUST'S REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND (THE DECATUR PLAN) AND REPLY DECLARATION IN SUPPORT THEREOF

/s/ Sharon M. Lee  
Sharon M. Lee

**SERVICE LIST**

<b><i>Counsel for Actions Pending in E.D.N.Y.</i></b>	
<p>Evan J. Smith, Esq.  Marc L. Ackerman, Esq.  <b>BRODSKY &amp; SMITH, LLC</b>  240 Mineola Boulevard  Mineola, NY 11501  Tel: (516) 741-4977  Fax: (610) 667-9029  Email: Esmith@brodsky-Smith.com</p> <p><b><i>Counsel for Plaintiff Andrew McIntosh</i></b></p>	<p>Marc A. Topaz, Esq.  Richard A. Maniskas, Esq.  <b>SCHIFFRIN &amp; BARROWAY, LLP</b>  280 King of Prussia Rd.  Radnor, PA 19087  Tel: (610) 667-7706  Fax: (610) 617-7056</p> <p><b><i>Counsel for Plaintiff Andrew McIntosh</i></b></p>
<p>Marc C. Gardy, Esq.  <b>ABBEY GARDY, LLP</b>  212 East 39<sup>th</sup> Street  New York, NY 10016  Tel: (212) 889-3700  Fax: (212) 684-5191  Email: Mgardy@abbeygardy.com</p> <p><b><i>Counsel for Plaintiff Barry Linzer</i></b></p>	<p>Samuel H. Rudman, Esq.  David H. Rosenfeld, Esq.  Mario Alba, Jr., Esq.  <b>LERACH COUGHLIN STOIA GELLER  RUDMAN &amp; ROBBINS LLP</b>  200 Broadhollow Road., Suite 406  Melville, NY 11747  Tel.: (631) 367-7100  Fax: (631) 367-1173  Email: Drosenfeld@lerachlaw.com</p> <p><b><i>Counsel for Plaintiff Bruce Kantor</i></b></p>
<p>Charles J. Piven, Esq.  <b>LAW OFFICES OF CHARLES J. PIVEN, P.A.</b>  The World Trade Center Baltimore  Suite 2525  401 East Pratt Street  Baltimore, MD 21202  Tel: (410) 332-0030  Fax: (410) 685-1300</p> <p><b><i>Counsel for Plaintiff George Walker</i></b></p>	<p>Catherine A. Torell, Esq.  <b>COHEN, MILSTEIN, HAUSFELD &amp; TOLL,  P.L.L.C.</b>  150 East 52<sup>nd</sup> Street, 30<sup>th</sup> Floor  New York, NY 10022-6017  Tel: (212) 838-7797  Fax: (212) 838-7745  Email: Ctorell@cmht.com</p> <p><b><i>Counsel for Plaintiff Phillip G. Collins</i></b></p>

<p>Steven J. Toll, Esq.  Daniel S. Sommers, Esq.  Julie Goldsmith Reiser, Esq.  <b>COHEN, MILSTEIN, HAUSFELD &amp; TOLL, P.L.L.C.</b>  1100 New York Avenue, N.W.  West Tower, Suite 500  Washington, D.C. 20005-3964  Tel: (202) 408-4600  Fax: (202) 408-4699  Email: Stoll@cmht.com</p> <p><i>Counsel for Plaintiff Phillip G. Collins</i></p>	<p>Fred T. Isquith, Esq.  Christopher S. Hinton, Esq.  <b>WOLF HALDENSTEIN ADLER FREEMAN &amp; HERZ LLP</b>  270 Madison Avenue, 11<sup>th</sup> Floor  New York, NY 10016  Tel: (212) 545-4600  Fax: (212) 545-4653  Email: Isquith@whafh.com</p> <p><i>Counsel for Plaintiff Servaas Holthuizen</i></p>
<p>Brian M. Felgoise, Esq.  <b>LAW OFFICES OF BRIAN M. FELGOISE, P.C.</b>  261 Old York Road - Suite 423  Jenkintown, PA 19046  Tel: (215) 886-1900  Fax: (215) 886-1909  Email: FelgoiseLaw@aol.com</p> <p><i>Counsel for Plaintiff Servaas Holthuizen</i></p>	<p>Marc Henzel, Esq.  <b>LAW OFFICES OF MARC HENZEL</b>  273 Montgomery Avenue, Suite 202  Bala Cynwd, PA 19004  Tel: (610) 660-8000  Fax: (610) 660-8080  Email: mhenzel182@aol.com</p> <p><i>Counsel for Plaintiff Servaas Holthuizen</i></p>
<p>Jules Brody, Esq.  Aaron Brody, Esq.  Tzvia Brody, Esq.  <b>STULL, STULL &amp; BRODY</b>  6 East 45<sup>th</sup> Street  New York, NY 10017  Tel: (212) 687-7230  Fax: (212) 490-2022  Email: Ssbny@aol.com</p> <p><i>Counsel for Plaintiffs Gerald J. Vogt and Eleanor L. Vogt</i></p>	<p>Joseph H. Weiss, Esq.  <b>WEISS &amp; LURIE</b>  551 Fifth Avenue  New York, NY 10176  Tel: (212) 682-3025  Fax: (212) 682-3010</p> <p><i>Counsel for Plaintiffs Gerald J. Vogt and Eleanor L. Vogt</i></p>
<p>Curtis V. Trinko, Esq.  <b>LAW OFFICES OF CURTIS V. TRINKO, LLP</b>  16 West 46<sup>th</sup> Street, 7<sup>th</sup> Floor  New York, NY 10036  Tel: (212) 490-9550  Fax: (212) 986-0158  Email: Ctrinko@trinko.com</p> <p><i>Counsel for Plaintiff Timothy Joe Grove</i></p>	<p>Alfred G. Yates, Esq.  <b>LAW OFFICES OF ALFRED G. YATES, JR.</b>  519 Allegheny Building  429 Forbes Avenue  Pittsburgh, PA 15219  Tel: (412) 391-5164  Fax: (412) 471-1033  Email: Yateslaw@aol.com</p> <p><i>Counsel for Plaintiff Timothy Joe Grove</i></p>

<b><i>Counsel for Actions Pending in S.D.N.Y.</i></b>	
Jonathan M. Plasse, Esq. Christopher J. Keller, Esq. Shelly Thompson, Esq. <b>GOODKIND LABATON RUDOFF &amp; SUCHAROW LLP</b> 100 Park Avenue New York, NY 10017-5563 Tel: (212) 907-0700 Fax: (212) 818-0477 Email: jplasse@glrslaw.com  <b><i>Counsel for Plaintiff L.I.S.T., Inc. - No. 05-cv-2189 (S.D.N.Y.)</i></b>	Eric J. Belfi, Esq. <b>MURRAY, FRANK &amp; SAILOR LLP</b> 275 Madison Avenue, 8 <sup>th</sup> Floor New York, NY 10016 Tel: (212) 682-1818 Fax: (212) 682-1892 Email: ebelfi@murrayfrank.com  <b><i>Counsel for Plaintiff Roy P. Kershaw - No. 05-cv-2929 (S.D.N.Y.)</i></b>

Robert F. Serio, Esq. <b>GIBSON, DUNN &amp; CRUTCHER LLP</b> 200 Park Avenue, 47 <sup>th</sup> Floor New York, NY 10166 Tel: (212) 351-4000 Fax: (212) 351-4035 Email: rserio@gibsondunn.com  <b><i>Counsel for Defendants Veeco Instruments, Inc., Edward H. Braun, and John F. Rein, Jr.</i></b>	
--	--